

JURISDICTION AND VENUE

6. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, et seq.
7. This Court has subject matter jurisdiction over this copyright infringement action pursuant to federal question jurisdiction. The court maintains this jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338.
8. The amount in controversy exceeds Twenty Millions Dollars (\$20,000,000.00).
9. This court also has personal jurisdiction over defendants Warner Bros. and MGM pursuant to New York's Long Arm Statute. Defendants have purposely availed themselves of the privilege of conducting activities in the state of New York or have established minimum contacts with the state sufficient to confer personal jurisdiction. The assumption of personal jurisdiction over defendants will not serve to offend traditional notions of fair play and substantial justice. *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).
10. Venue is proper because pursuant to 28 U.S.C. § 1391. Two corporate defendants (Time Warner, Inc. and Showtime Network Inc.) reside in New York, NY based on the location of their headquarters. In addition, a substantial portion of events giving rise to the claims herein – performance of the copyrighted work in question – took place in the State of New York.

FACTS

11. Lawrence is an American playwright, actor, comedian, author, director and producer of film, television, and stage plays.
12. Lawrence is the author of a play called *Scissors*, which was toured via stage play in 1998-2001 in Richmond, VA; Norfolk, VA; Baltimore, MD; Long Island, NY; Los Angeles, CA; Newark, NJ;

Atlanta, GA; New York, NY; Queens, NY; and other locations. *Scissors* was performed over twenty (20) times in New York City.

13. Mark Brown (“Brown”), the screenwriter for *Barbershop* lived in Los Angeles during the time *Scissors* toured Los Angeles. In addition, Brown spent time in the Washington D.C, Virginia, Maryland (“DMV”) area while a student at Howard University and post-graduation during the same time in which *Scissors* toured the DMV. Upon information and belief, Brown also spent time in New York City during the time in which *Scissors* was performed in New York.

14. Lawrence is the owner of the copyright for the stage play *Scissors*. The copyright bears the U.S. Copyright registration no. Pau002537656 for the script and a copyright application has been filed for the actual recorded version of the theatrical stage play/motion picture U.S. Copyright Office Case No. 1-3280735051.

15. *Scissors* is a stage play about the proprietors of a barbershop and hair salon in a predominantly African-American neighborhood. The plotline of the play revolves around the barbershop’s owners and employees, events in the barbershop, and events in the barbershop’s surrounding community. Both *Scissors* and *Barbershop* focus on the barbershop’s importance to the surrounding community, and the many challenges that are associated with running such a business.

16. The defendants jointly released, manufactured and distributed *Barbershop* 1, 2 &3 with the exception of Showtime. Defendant Showtime solely released *Barbershop the Series*.

17. The plotlines, themes, characters, situations, and events contained in *Scissors* bear an overwhelming resemblance to plotlines, themes, characters, situations, and events contained in the films *Barbershop* (2002) and *Barbershop 2: Back in Business* (2004) and the *Barbershop* television series (2005), and *Barbershop 3* (2016) that have been marketed and distributed by the defendants.

18. Characters from *Scissors* are emulated in *Barbershop*. For example, one of the main characters in *Scissors* is a Caucasian barber whose race gives rise to questions about his authenticity from other

barbers. The *Barbershop* films contain a character, Isaac, whose character arc is very similar. It is also worth noting that these characters are introduced to viewers in the exact same way – by approaching the barbershop in a car blasting hip-hop music. In both *Scissors* and *Barbershop*, the white barber is criticized for acting African-American.

19. The character of Mr. Clarence in *Scissors* bears a very strong resemblance to the character of Eddie from the *Barbershop* series. Both characters are elderly proprietors/individuals of the barbershop at the center of the story, and their dialogue and mannerisms have a striking similarity to one another. Both characters wear a striped white shirt and have square gold eyeglasses. Both characters refer to the white barber (referenced in paragraph 16, *supra*) with cultural references emphasizing his whiteness (Casper in *Scissors*, Seinfeld in *Barbershop*). In another instance, both characters discuss the O.J. Simpson murder trial in a strikingly similar manner. In yet another instance, both characters dance for other employees in the barbershop in a similarly comic and awkward manner.

20. Other individual events in the *Barbershop* movies and television episodes are copied almost directly from events in *Scissors*. For example, in *Scissors*, a character named Woody enters the shop, pretending to initiate a robbery, before other characters mockingly wish him good morning. In *Barbershop*, the character of Eddie initiates an almost identical fake robbery and receives a similar reaction.

21. There are numerous other instances in the *Barbershop* films where such overwhelming similarities exist. Events throughout *Barbershop* seem to be lifted directly from events in *Scissors*. See Exhibit “A”.

22. In the Second Circuit’s decision in *Stone v. Williams*, 970 F.2d 1043 (2d Cir.1992), pointed out the disfavor that the continuing-infringement doctrine has received in the copyright-infringement context. It was held in *Stone* that when infringements occur during the limitations period, recovery may

not be had for the earlier infringements; rather, "[r]ecovery is allowed only for those acts occurring within three years of suit". *Id.* at 1049-50.

23. It is widely recognized that the separate-accrual rule attends the copyright statute of limitations. Under that rule, when a defendant commits successive violations, the statute of limitations runs separately from each violation. Each time an infringing work is reproduced or distributed, the infringer commits a new wrong. Each wrong gives rise to a discrete "claim" that "accrue[s]" at the time the wrong occurs. In short, each infringing act starts a new limitations period. See Stone v. Williams, 970 F. 2d 1043, 1049 (2d Cir. 1992) ("Each act of infringement is a distinct harm giving rise to an independent claim for relief.").

24. Under the Copyright Act's three-year provision, an infringement is actionable within three years, and only three years, of its occurrence. And the infringer is insulated from liability for earlier infringements of the same work. See 3 *M. Nimmer & D. Nimmer*, Copyright §12.05[B][1][b], p. 12-150.4 (2013) ("If infringement occurred within three years prior to filing, the action will not be barred even if prior infringements by the same party as to the same work are barred because they occurred more than three years previously."). Thus, when a defendant has engaged (or is alleged to have engaged) in a series of discrete infringing acts, the copyright holder's suit ordinarily will be timely under §507(b) with respect to more recent acts of infringement (*i.e.*, acts within the three-year window), but untimely with respect to prior acts of the same or similar kind. Petrella v. Metro-Goldwyn-Mayer, Inc., 12-1315: U.S. Supreme Court, Jan 21, 2014).

25. In regards to *Barbershop 1*, *Barbershop 2* and the *Barbershop* the series, Plaintiff concedes that damages are only within three (3) years of filing of suit.

26. *Barbershop 3*, is a derivative work in the *Barbershop* trilogy that is based on characters that infringe on Plaintiff's copyright in *Scissors*.

27. *Barbershop 1*, *Barbershop 2* and *Barbershop 3* infringe on the copyrights of the Plaintiff and is substantially similar to Plaintiff's *Scissors*. An additional example of the infringement of the character introductions and infringement appears in the comparison at <https://vimeo.com/159155477> Password: JDNewYork.

28. Defendants had access to the Plaintiff copyright as *Scissors* toured the country in various locations and at least one actor that was previously directed by Lawrence appears in *Barbershop 2*.

29. Attached as Exhibit "B" is the expert report of Linda Seger, further detailing the overwhelming similarities between *Scissors* and *Barbershop 1* which is incorporated by reference and the clear infringement of *Scissors* by the Defendants.

30. *Barbershop 1*, *Barbershop 2* and the Series have grossed over One Hundred Millions Dollars (\$100,000,000.00) in revenue.

31. *Barbershop 3* is a derivative infringing work that is scheduled to be released on April 15, 2016.

32. The Plaintiff owns the copyrights in *Scissors* and the defendants misappropriated *Scissors* by utilizing a material and substantial amount of *Scissors* in the creation of *Barbershop* and the derivatives works. The similarities are so clear that access must be assumed.

33. On March 15, 2016, the Defendants were served with a cease and desist letter and have not complied with the letter.

FIRST CLAIM FOR RELIEF – COPYRIGHT INFRINGEMENT
(AGAINST ALL DEFENDANTS)

34. Plaintiff repeats and reallages paragraphs 1-33 above.

35. The named corporate defendants have unlawfully utilized the copyright of plaintiff for the play *Scissors*. They directly lifted themes, events, storylines, and characters from *Scissors* for use in the films and television episodes.

36. *Barbershop 3* Director Malcolm Lee, is very much aware that the *Barbershop* trilogy can be likened to a stage play due to character development and dialogue.

<https://www.youtube.com/watch?v=2iDimgWxFug>.

37. As a direct and proximate result of defendants' breaches and violations, Lawrence has suffered financial losses in an amount to be determined at trial, but in no event less than Twenty Million Dollars (\$20,000,000.00).

38. The Defendants' had access to Plaintiff's work, the Defendants' misappropriated Plaintiff's copyrights and the Defendants' utilized a material and substantial amount of Plaintiff's work to create *Barbershop* and its derivative works.

39. The similarities between the works are so similar that access can be assumed.

40. Plaintiff has been harmed in his business due to the actions of the Defendants.

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

Plaintiff demands:

1. Judgment on all counts;
2. The sum of Twenty Million Dollars (\$20,000,000.00).
3. Interest;
4. Attorney Fees;
5. A preliminary injunction enjoining Defendants' continued distribution, marketing and selling of, *Barbershop 3*; and,
6. Any other relief that this Court deems just and equitable.

RONALD DICKERSON A/K/A JD LAWRENCE

A handwritten signature in black ink, appearing to read 'C. Brown', is written over a light blue rectangular background.

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April 11, 2016

EXHIBIT A

“Scissors” vs. “Barbershop”

Written Comparison as prepared by Plaintiff

Plot

Both “Scissors” and “Barbershop” begin with an empty shop.

Mr. Clarence of “Scissors” owns the barbershop and wishes for his son to take over, while “Barbershop” has Calvin, the son of the late owner, already running the shop but still conflicted about whether or not this is what he should do.

Eddie (“Scissors”) comes into the barbershop, with his suit on, for the sole purpose of conversing with Mr. Clarence. “Barbershop” opens the same way, with a man in a suit coming in for the sole purpose of conversing to Calvin, except they make him heavyset.

In “Scissors”, Mr. Clarence’s character has a conflicted relationship with the bookstore owner next door, Helen. The same proves true for Calvin’s (Ice Cube) character and the storeowner next door, Janelle (Sonya Eddy) in “Barbershop”).

In “Scissors, it is made clear early on that Mo Money, the white barber, does not bring in any money to the shop. Mr. Clarence even says, “He doesn’t bring in any money.”

In “Barbershop” an emphasis is put on Isaac (Troy Garity), the white barber, not bringing in any money to the shop.

In “Scissors”, Mr. Clarence makes it known that no alcohol is allowed in his shop. In “Barbershop”, they change it to no music before 10am.

Precious (“Scissors”) comes back a year later to the shop 8 months pregnant. In “Barbershop”, Jennifer Palmer (Jazmin Lewis) is about 8 months pregnant at the start of the movie.

There is extreme tension between Job and Bishop of “Scissors”. Bishop attacks Job on a constant with lines like, “As long as I got breath in my body, Imma make sure you and nobody like you will ruin my daughter’s Harvard education.” He also mocks him for not having a father with the line, “ I know you ain’t never had one of them.” This ceaseless antagonizing is what they try to create between Ricky (Michael Ealy) and Detective Williams (Tom Wright) in “Barbershop”. Detective Williams is given lines like, “You’re a two-time felon.” He continuously badgers him about his past and threatens his future, as Bishop does to Job in “Scissors”.

Woody is a known drug-dealing thief who constantly comes in to the shop to visit his father, Mr. Clarence. One hour and thirty-five minutes into the play, Job walks in on Woody stealing from the shop. “Barbershop” embellishes on this by creating a sub-plot that focuses solely on two thieves (J.D {which happens to be J.D. Lawrence’s name} and Billy) trying to steal the entire movie. In addition to that, Woody wants to borrow \$50 from his father, while the reward for finding the missing ATM that the thieves steal in “Barbershop” is \$50,000. As producer George Tillman Jr. says in his behinds the scenes interview, they “...wanted to broaden out some

characters, bring in some characters...” They did just that, while also trying to play reverse psychology by making “J.D” the thief.

There is an obvious beat in “Scissors” where the entire cast does a sharp-turned look at Job and Bishop during their conversation with one another. Everything stops at that brief moment and then things go back to normal. “Barbershop” attempts to create this same affect when Tim Story, the movie’s director, has the entire cast do a slow motion turn towards Chuck when they learn that it is his car that is being destroyed outside.

In “Scissors”, Mr. Clarence makes it known that no rap/hip hop music is allowed in his shop with the infamous line “I ain’t gonna have all that hip-hoppin’ and bip-boppin’ in my shop now!” They allude to the same notion in “Barbershop” with a sign that reads “No Rap Music before 10am. Thank You.” The sign has little significance to the story’s plot and only acts as a prompt to the out of place music that is played immediately before they show the sign and continued on thereafter. Like “Scissors”, “Barbershop” makes it a point to incorporate a musical element.

Mr. Clarence has an infamous dance called the “Chicken Wing”. “Barbershop” plays off of this by creating an unnecessary emphasis on the chicken wings that Calvin and Eddie eat at separate points during the movie. We know that the barbers eat more than chicken, as Ricky exemplifies with his quest for fish, however it’s the chicken wings that gain all of the attention.

Woody and Sydney (“Scissors”) vs. Lamar (“Barbershop”)

At the end of the play, Woody is “delivered” after his father gives him a “bat-tizmal” (a beating with a bat that Mr. Clarence describes as him “bat-tizing” him). He soon after has a job at the shop and is on great terms with his father, Mr. Clarence. At the conclusion of “Scissors”, Sydney comes into the shop with the final job that we see him with and finally gets a cut. In “Barbershop”, Lamar finally gets a job and a cut; a combination of these two resolutions from “Scissors”, which play a pivotal role in the story’s plot. To add insult to injury, Lamar states that he is going to be gaining his daughter back from his “crack head” sister-in law, a well known stigma placed on Woody in ‘Scissors’.

Precious (“Scissors”) vs. Jennifer (“Barbershop”)

Precious is mad at Mr. Clarence for making Job feel uncomfortable, forcing him to quit. Jennifer is mad at Calvin for selling the barbershop. Both create conflict in the shop.

Mo Money (“Scissors”) vs. Isaac (“Barbershop”)

We never see Mo Money cut a single person’s hair until the end of the play where he finally gives Sydney his cut. The same proves true for Isaac of “Barbershop” whom we never see cut a single head of hair until Jimmy decides to have him cut his hair.

In “Scissors”, the story ends one year later while in “Barbershop” the story ends two months later.

Precious and Eddie (“Scissors”) vs. Terri and Dinka (“Barbershop”)

Precious and Eddie come back to the shop, a year later, pregnant. It is obvious that Eddie has had a change of heart and has reevaluated his feelings for her. At the end of “Barbershop”, Terry is found fixing Dinka’s smock for an extended period of time in order to insinuate a more personal relationship brewing between the two.

”Scissors” is known for its thematic elements as well as its comedy and drama. In fact, the full name is JD Lawrence’s “Scissors: Cut the Devil Loose”. “Barbershop” tried to incorporate a religious sub-plot like in “Scissors” but it did not go over well for them, so they did away with it. Proof of this can be found in “The Hair Club” behind the scenes interviews.

Character / Character Interaction / Character Introduction

Mo Money (“Scissors”) vs. Isaac (“Barbershop”)

Like Mo Money, we are introduced to Isaac with loud playing hip-hop music. In “Scissors”, it’s James Brown’s “I’m Black and I’m Proud” which is only audible, while “Barbershop” shows the visual as well and changes the music, both still insinuating the same thing. Furthermore, we see Isaac display public affection to his dark-skinned black girlfriend with a make-out session in front of the shop, while Mo Money’s love for “chocolate” women is clearly displayed when he shares dialogue filled with sexual innuendoes with Sista Do Right, a dark-skinned black woman.

Precious and Eddie (“Scissors”) vs. Terri and Dinka (“Barbershop”)

In “Scissors”, there is only one female, Precious, working in the shop amongst the men. She has feelings for Eddie, a frequenter to the shop, but Eddie does not feel the same way. “Barbershop” reverses this scenario to make Dinka (Leonard Earl Howze), one of the male barbers, have feelings for Terri (EVE), the only female barber in the shop with her not feeling the same way about him.

Mr. Clarence (“Scissors”) vs. Eddie and Calvin (“Barbershop”)

Mr. Clarence is the owner of the barbershop in “Scissors”. He is the one and only older barber in the shop and has a conflicted relationship with his son. He is known for his name calling in “Scissors”. Some of the names include, Millie Jackson, Michael Jackson, and OJ Simpson. He sure can cut a rug, which is exemplified through his dance moves used throughout the show. In “Barbershop”, they split Mr. Clarence into two characters, Eddie and Calvin. Despite the fact that Eddie is a name already used in “Scissors”, they go on to try and create an exact replica of Mr. Clarence through Eddie. This is shown through his wardrobe, use of name-calling and other similar tactics. Calvin, on the other hand, is a little more subtle but just as similar with him being the owner of the shop who has a conflict with his late father in a battle of whether or not to run the shop.

Sydney and Woody (“Scissors”) vs. Lamar and Hustle Guy (“Barbershop”)

Sydney is a loyal customer who comes into the shop on several occasions within the same day with a different job each time, begging for a cut. Woody begs his father for \$50 claiming that he has a job interview that will allow him to pay him back. Mr. Clarence makes it known that this is an ongoing occurrence with these heartfelt lines, “The same bull every time. You don’t like to work. You don’t like to pay back. The least you could do is tell the truth boy.” “Barbershop” pulls from both Sydney and Woody’s characters to create the characters Hustle guy (DeRay Davis) and Lamar (J. David Shanks), except they jumble them around in an attempt to distract us from their far too obvious similarities. Hustle guy sells a whole bunch of different items in one day (like Sydney’s changing jobs) but it’s Lamar who wants “Sydney’s cut”.

Helen and Precious (“Scissors”) vs. Janelle and Terri (“Barbershop”)

Helen (“Scissors”) is known as the pesty, antagonizing next-door neighbor who owns the bookstore next-door to the shop. She and Mr. Clarence, the shop’s owner, have a temperamental relationship that results in several arguments throughout the play. Janelle (Sonya Eddy) serves as the pesty next-door neighbor in “Barbershop” and has an antagonizing relationship with Calvin, who also happens to be the shop’s owner. Precious serves as the only female in the shop (“Scissors”). She is very hefty, out-spoken and well dressed. With lines like “I’ll cut you”, it is clear that there is no match for her. In “Barbershop”, they attempt to mirror her character and cutthroat, “out-there” personality by means of Terri (EVE), but simply change her size. In fact, costume

designer Devon P.F Patterson of “Barbershop” states in a behind the scenes interview that the original was suppose to be a “larger than life character”. Once again, they jumble the characters, making Janelle big and Terri small, but still attempt to keep her well dressed like Precious.

Woody (“Scissors”) vs. Eddie (“Barbershop”)

We are introduced to Woody’s character in “Scissors” with a fake robbery. Woody enters the shop abruptly with one hand extended in his jacket to allude to a gun being in his hand. Everyone in the shop knows that it is Woody. In “Barbershop”, Eddie is introduced to screen with a fake robbery with one hand extended in his jacket to allude to a gun being in his hand. Like with Woody, all of the workers know that it is Eddie.

Mr. Clarence (“Scissors”) vs. Eddie (“Barbershop”)

Mr. Clarence is the only older barber in the shop. He has salt and pepper hair, square glasses with a gold trim and a striped white shirt, all of which make up his trademark. Like Mr. Clarence, Eddie is the only older barber in “Barbershop” and sports salt and pepper hair square glasses and a white striped shirt. Mr. Clarence is known for messing up words and is also known for name-calling. They make it a point to have Eddie toss a white towel over his shoulder (a repeated move of Mr. Clarence’s) while paraphrasing his infamous phrase, “Hip-hoppin’ and bip-boppin” with Eddy’s line, “hippity-hoppity nonsense”.

Eddie and Precious eavesdrop on a conversation that Job, one of the barbers, has with his girlfriend, Angela, behind the employees only door. At the time, everyone thinks that Angela is pregnant. In “Barbershop”, they make it a point to also have the barbers eavesdrop on a conversation being held between Calvin and his wife, Jennifer, who they actually make pregnant. Their conversation is also held behind a closed “private” door and both scenarios conclude with the eavesdroppers scrambling back into place in a hurry as the door opens and the opposite parties exist.

Like in “Scissors”, “Barbershop” utilizes one sole pay phone in the front of the shop the entire time.

Mr. Clarence (“Scissors”) vs. Chuck (“Barbershop”)

Mr. Clarence uses a bat in order to “bat-tize” (baptize) his son, Woody, towards the end of “Scissors”. He also chases after Helen with a broom, running her out of his shop after he mistakes her saying “bigger” for “nigger”. Before chasing her, he confirms he as heard the right thing by saying, “A what? A nigger?” In “Barbershop” they combine both of these scenarios to create the scene where Chuck, a patron getting his hair washed, learns his car is being destroyed by a crazy woman and he chases her down the street with a bat. Like Mr. Clarence, Chuck repeats what the woman says before chasing her with the lines “Yo what? Yo bad?” Not too subtle, huh.

Mr. Clarence, in the original “Scissors” script, says, “Rosa was tired”. That entire joke was used until JD Lawrence deiced to discontinue using it out of respect for Ms. Parks. That entire “joke” and play on the events that took place with Rosa Parks is taken and used by Eddie in “Barbershop”.

Mo Money and Mr. Clarence; Woody and Job (“Scissors”) vs. Isaac and Jimmy (“Barbershop”)

Mr. Clarence and Mo Money have a heated argument with a focus on race. Mo Money accuses Mr. Clarence of not liking him because he is white. He goes on to say “I am the future; my baggy jeans, my Tims and my music. You know what? I’m not going anywhere.” Edie is the only other person present in the shop at the time and looks on as Mr. Clarence responds with “What are you talking about your Timmies and your Jimmies and stuff? Not of that belong to you and it never will.” Woody has a separate moment in “Scissors” where he has a confrontation with Job and he says, “You know what I think? I think you wanna be me.” We see both of these heated arguments combined into one grand one in “Barbershop” in an argument between Isaac and Jimmy. Isaac says words extremely similar to the ones expressed by Woody when he tells Jimmy “You know what I

think. You wish you were me.” This is far more than coincidental. They make it a point to copy not only what is said, but also how it is said. They then go on to take from Mo Money’s dialogue with an alternate version that says, “You wish you had my clothes, my style, my walk.” This is definitely not the first or last time we see this happen in “Barbershop”. They also pull from an argument that occurs between Job and Mo Money where Mo Money calls Job out for passing judgment and looking down on him when he use to be just like him “in the streets”. Isaac calls Jimmy out for flaunting his education and always being after him.

Job/ Church Boy (“Scissors”) vs. Jimmy/School Boy (“Barbershop”)

Job is known as the religious one of the barbers in “Scissors”. He is called “church boy” by Woody and quotes scriptures throughout the entire show. Jimmy is called out on several occasions for flaunting his education and is even called “college boy” by Isaac.

Woody (“Scissors”) vs. Hustle Guy (“Barbershop”)

Woody just wants acceptance from his father, Mr. Clarence (the barbershop owner) and to be a part of the shop. Hustle guy wants to be accepted by Calvin (the shop owner) and be a part of the shop.

Sista Do Right (“Scissors”) vs. Lady in the Purple Suit (“Barbershop”)

Sista Doo Right is introduced to the audience with a powerful mini song immediately followed by the tagline ‘Good afternoon everybody.’ She comes to the shop with food for all of the barbers in her two-piece purple skirt suit with a high- pitched, southern voice that doesn’t match her large stature. In “Barbershop”, they have a deleted scene that includes a lady in a two-piece purple skirt suit that comes into the shop with a high-pitched, southern voice and large stature. She literally comes in with the same tagline, “Good afternoon everybody.” That’s just too close for comfort and definitely a reason to make it a deleted scene.

Mr. Clarence performed stand up during each intermission. The stand up consisted of Jackson Five jokes and “Lee” name jokes. Throughout the show, Mr. Clarence also made several jokes and references to Michael Jackson, OJ Simpson, Jet Li, Spike Lee, etc. Eddie pulls form these same references and jokes in “Barbershop”.

Mr. Clarence sleeps during Bishop’s song at the beginning of the play, while they have Eddie sleep while the music is playing in “Barbershop”.

Bishop and Job (“Scissors”) vs. Detective Williams and Ricky (“Barbershop”)

Bishop comes into the shop to antagonize Job, who just so happens to have the middle chair. Comments like, “I know you ain’t never had one of them” (referring to a father) and “...keep this lil’ piece of change” exemplify Bishop’s disregard for Job as a person and how he views him as less than. Like Bishop, Detective Williams comes into the barbershop to antagonize Ricky, who also happens to be middle chair, saying things like “You’re a two –time felon”. Both make it known that they are up to no good and want nothing more than confrontation with the opposing parties. Everyone is tense and on edge with their discussion, as (in both “Scissors” and “Barbershop”) the arguments get intense and an “accidental” nip occurs. Both Bishop and Detective Williams touch then look at their left ear, getting up and leaving the chair.

Dialogue

Mr. Clarence (“Scissors”) vs. Eddie (“Barbershop”)

Viagra is a joke that is used by both Precious towards Mr. Clarence and by Mr. Clarence himself, in “Scissors”. Eddie also finds himself joking about Viagra to Calvin in “Barbershop”.

Job (“Scissors”) vs. Lamar (“Barbershop”)

In “Scissors, Job has a heated argument with Mr. Clarence where he calls his son out for being a crack head with the powerful line, “... You can’t even take care of your own crack head son.” This is at the climax of the show and touches on a back-story between him and Mr. Clarence. Towards the end of “Barbershop”, we see a conversation held between Lamar and Calvin at the movie’s climax where Lamar tells Calvin that he now has a job and will be getting his daughter back from his sister –in law. He then goes on to say, “See my sister- in law’s been keeping her. She’s a crack head and I cant’ have that.” Now, there are so many other stigmas this woman could have had. She could have been a drunk or a whore who runs the streets, but instead they use the exact same stigma given to Woody in “Scissors”.

Woody (Scissors”) vs. Lamar (“Barbershop”)

Woody is known for begging his father, the owner of the shop, for money and claiming that he will pay the money back. He has a moment in “Scissors” where he comes into the shop asking for \$50; he says, “I gotta job interview with BET.” In “Barbershop, Lamar is a customer who begs for free cuts from Calvin, also the owner of the shop, claiming to be good for paying him back. He tells Calvin “You know Imma pay you back. I gotta job interview.” What makes this similarity significant is not just what is said but when it is said. Both Woody and Lamar are introduced to the audience with this dialogue.

Woody (“Scissors”) vs. Isaac (“Barbershop”)

There is point in the show where Woody gets into a really heated discussion with Job, who he calls “church boy”. He tells him very bluntly, “You know what I think. I think you wanna be me.” This is at the climax of the show where things are beginning to unravel in the shop. “Barbershop” has also reached its climax at the time when Isaac and Jimmy get into their heated argument which results in Isaac telling Jimmy “You know what I think. You wish you were me.” Despite them slightly altering the second line, it is clear that this an exact duplicate of the discussion between Woody and Job in “Scissors”.

Mr. Clarence (“Scissors”) vs. Eddie (“Barbershop”)

Mr. Clarence is known for messing up his words throughout “Scissors” and although there are several occasions where “Barbershop” distastefully has Eddie do the exact same thing, there is one moment in particular that can not be justified. Mr. Clarence tells Mo Money “I’m not gonna have all that hip-hoppin’ and bip –boppin’ in my shop...” At the time he tells him that that music is trouble. What is quite interesting is that Eddie has a moment in “Barbershop” where he is talking to the entire shop, “enlightening them”, and tells them “... and all them folks up in there, hippity-hoppity nonsense...” Now, despite the fact that they try to mask yet another direct quote from “Scissors”, it is not enough to stop it from sticking out like a sore thumb.

Music

Mr. Clarence makes it known that they always play music in the shop when talking to Helen, the bookstore owner next door. Not only do we hear music playing, but live signing and dancing is a constant in “Scissors” as well.

Mr. Clarence and Job share a moment where Mr. Clarence does his infamous “Chicken Wing” dance to EPMD’s “Strictly Business” instrumental. “Barbershop” seems to take a liking to that exact same album because they too do a dance to one of EPMD’s songs off that Strictly Business album, “You Gots To Chill”. There are also several other dancing moments in “Scissors”, one of which is an ensemble dance shared between Precious, Mr. Clarence, Eddie and Mo Money to the Staples Singers’ “I’ll Take You There”, which, out of all

the songs they could have possibly chosen, just so happens to be the one and only song used for the “Barbershop” ending credits. “Barbershop” saves time and combines the two scenes, with one huge, unnecessary dance break that includes the entire cast. This is an attempt at creating the same affect that occurs in “Scissors”.

Wardrobe

Woody is Mr. Clarence’s troubled son whom wears a distinctive black bandana throughout the entire play. Ricky (Michael Ealy) is the troubled barber in “Barbershop” and also finds himself wearing a black bandana throughout the entire film.

In “Barbershop”, Hustle guy has an elaborate heated conversation with Calvin about how much he’s done for him and the shop when Calvin kicks him out of the shop for trying to sell yet another line of products. This is just the inverse of Job and Mr. Clarence’s argument in “Scissors” where Mr. Clarence tells Job about how much he does for him, even more than he has done for his own son.

The barbers in “Scissors” wear black smocks for the entire duration of the show, except for Precious, and only one time do we see Mr. Clarence without his, at the end of the play. In “Barbershop”, they wear blue smocks just to end up in the same black smocks at the end of the movie and Calvin doesn’t wear a smock at all.

EXHIBIT B



April 8, 2016

TO: Christopher Brown

FROM: Linda Seger

RE: Letter comparing the play *Scissors* versus the film *Barbershop*

To whom it may concern:

I have been asked by the Brown Rosen Law Firm to do a preliminary analysis of *Scissors v. Barbershop* and to assess whether there could be copyright infringement.

I am the author of nine books on screenwriting. I have given screenwriting seminars in over 30 countries around the world. I have been a script consultant since 1981 and have worked on over 2,000 scripts. I have also been an expert witness on at least 20 cases starting in 1988.

My preliminary analysis finds there are clearly substantial similarities and sometimes striking similarities between both films.

I have watched the DVD of the play called *Scissors* and have also watch the film, *Barbershop*. In both scripts, the barbershop was a family barbershop. In *Scissors*, the father still owns the barbershop and the son is not sure whether he wants to be part of the barbershop.

The father is a similar character in both: he is somebody who has helped and encouraged other people to move ahead and has helped them overcome problems in their lives. The character likes to give encouragement and give advice and has opinions on almost everything. He is both wise and kind. In *Barbershop*, the father has died and willed the barbershop to his son, but the father is still defined in dialogue in a way that is strikingly similar to the father in *Scissors*.

There is a similar set up of the barbershop in both stories. There are three chairs facing outward, and the farthest chair on the left is the chair for a white barber. The white barber does not have clients and he doesn't bring money into the barbershop. At the very end of both films, the white barber is finally able to give somebody a haircut.

In both, there are conversations about the white/black conflict and conversations about who is black enough.

There are also conversations about a white barber at a black barbershop.

In both barbershops, there is a pay phone on the wall.

Both barbershops have a problem about music being played and the type of music is similar. In one, the bookstore owner next door complains about the music and in the *Barbershop* film, there is a sign that says, "No rap music before 10 AM." In *Scissors*, Mr. Clarence does a dance to a "Strictly Business" instrumental and in *Barbershop* there is a dance to another song from the same "Strictly Business" album. In *Scissors* there is a song, "I'll take you there" which is also the same song used in the ending credits of *Barbershop*.

Scissors is a musical with music and dance. There are several ensemble dances. At the curtain call, there is an ensemble dance without the main character. He comes in later. There is a similarity in *Barbershop*. *Barbershop* is not a musical and yet, there is an unusual dance sequence with the ensemble that is not part of the style of the whole movie. However, the main character is not in that dance sequence but he comes in later.

There are similar names in both. One of the major supporting characters in *Barbershop* is named JD which is the name of the writer of *Scissors*. There is a character named Eddie in both stories.

Both barbershops also have one woman working there. She is sassy and attractive and outspoken and wears sexy clothes. She has a relationship with one of the men who stops by the barbershop.

Both have a woman who is around eight months pregnant. Both of them have a Viagra joke. Both use a baseball bat as a type of weapon. Both talk about a "crack head." Both have similar dialogue. In *Scissors*: "Know what I think? I think you want to be me," and in *Barbershop*, "You know what I think. You wish you were me."

There are similarities in costumes. Mr. Clarence's son wears a black bandanna as does Ricky in *Barbershop* – both of them are troubled young men.

In both, there is tension between the barbershop and the shopkeeper who works next-door. In both, there are characters who are and have been in trouble with the law. In both, there are loans with low-life characters.

There is a church lady in *Scissors* that comes in wearing a purple suit. There is a deleted scene in *Barbershop* with a church lady who comes in wearing a purple suit. Although the scene is deleted, the church lady is still listed in the credits.

There are scenes in both of people eating takeout with an emphasis on chicken.

In both, the barbershop is a gathering place, not just for people getting haircuts. It's a place where people comment to each other, say, "hello," and hang out.

Both have a fake robbery which is strikingly similar. Someone comes into the barbershop as if they are ready to rob it, and several people recognize the person and laugh, realizing it is a fake robbery.

In both, several characters are introduced in the same way: the white barber drives up with loud music coming from his car, the bank robbers pretend to be holding a gun in their jackets, the church lady waltzes in making various comments. Character introductions are an immediate way of defining a character within a second or two, and setting the character clearly and immediately in the mind of the audience. Not only are these elements strikingly similar, they are basically interchangeable.

In both, the owner flicks the lights and they don't come on. This is an odd gesture and strikingly similar because there is no real payoff to this detail in either story.

In both, one person chases someone with a bat and someone else chases another with a broom.

In both, the barbershop is not always a place where work is getting done. Although the film *Barbershop* has a barbershop that is busier than the one in the play, nevertheless both of them have financial problems which are based on the fact that people who work there don't seem to be paying the rent for their barbershop chairs.

In both, there are references to a speaker system. Both of them have Jesus Talk, even though *Scissors* is an explicitly religious story and *Barbershop* has almost no religious focus.

This is a very preliminary analysis, based on watching both of these films once.

Sincerely,

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